



Lane County District Attorney

LANE COUNTY DISTRICT ATTORNEY'S OFFICE
125 EAST 8th AVENUE, ROOM 400
EUGENE, OREGON 97401-2926
FAX ONLY (541) 682-3890
(541) 682-4261

Patricia W. Perlow

TO: Lane County Media

From: Patricia W. Perlow, Lane County District Attorney

Date: January 24, 2019

RE: Cascade Middle School OIS Investigation, January 11, 2019

Based upon the investigation submitted by the Inter-Agency Deadly Force Investigative Team (IDFIT), including videos, witness interviews and evidence collected, I have determined that the involved officer's use of deadly force was legally justified as self-defense and defense of others on January 11, 2019, at Cascade Middle School. The use of deadly force resulted in the death of Charles Landeros, the parent of a Cascade Middle School student. The details are outlined below.

Background: Charles Landeros enrolled his child at Cascade Middle School the week of the incident. His child started school there on January 10th. Charles Landeros did not provide any information to the school about child's mother, who shares custody and lives locally. On January 11th, child's mother went to Cascade Middle School to see if child was enrolled there. Mother had a copy of divorce and custody paperwork from 2013. School personnel called the school resource officer, who was en route, and then texted the officer that child's father, Charles Landeros, had been called and was on his way as well.

Eugene Police Officer Steve Timm is the school resource officer for the Bethel District Schools including the schools that share a campus with Cascade Middle School. When Officer Timm became aware that there was a custody dispute occurring, he called for assistance from patrol and another school resource officer, Eugene Police Officer Aaron Johns, responded. Officer Timm met with the mother and reviewed the court paperwork. He then, separately, advised Charles Landeros that the custody paperwork provided by mother indicated mother had shared custody and exclusive control over where child attends school. Charles Landeros confirmed that was the only court document regarding custody. The conversation was respectful between Officer Timm and Charles Landeros, though Officer Timm reported concern that there would be a problem if Landeros was present if the mother exercised her right to remove the child from the school. When Charles Landeros indicated he would not answer any further questions, he was asked to

leave the school. He was cooperating with exiting the office but remained in the hallway to express his view that the police did not have jurisdiction and only the principal could ask him to leave. Officer Timm explained that he is the school resource officer and has authority to ask people to leave the property. Landeros became more agitated and animated. Officer Johns began escorting Charles Landeros from the building and advised Landeros he would be arrested if he didn't leave. At that point, Landeros' child arrived in the hallway by coincidence. Charles Landeros began yelling at his child to "go" repeatedly. Charles Landeros was physically removed from the building and advised he was under arrest. Both officers confirmed when interviewed that they believed they had probable cause to arrest Charles Landeros for disorderly conduct and trespass. There were students in the hallway and in a nearby classroom.

The Incident: Copies of the video will be available at the DA's office after 2:30 p.m. It displays full speed, half speed and with stop action of Officer Timm's body worn camera footage. It also displays Officer John's body worn camera, but the camera falls off during the struggle. Finally, there is video footage from Officer John's patrol vehicle in-car video system. The first time you listen to Officer Timm's recording, it is difficult to distinguish between the sound of gunfire and the sound of contact with the mic during the struggle. The school recently installed five additional surveillance cameras which had not been connected to the recording system. The camera facing the area where this incident occurred was one of the cameras that was not connected. A nearby camera, mounted on the exterior of the multipurpose room closer to the parking lot, was recording at the time of the incident, but its focus was in a different direction and did not capture the events.

Officer Johns attempted to place Charles Landeros under arrest. Landeros struggled with Officer Johns and pushed back at Officer Johns. Officer Timm joined Officer Johns in the effort to take Landeros into custody. Landeros drew a 9mm firearm from a holster on his right hip. Landeros pointed the firearm at Officer Timm. Officer Timm yelled that Landeros had a gun. Officer Johns continued to struggle with Landeros in an effort to gain control of his arm and the firearm. Landeros pointed the gun at Officer Timm a second time and fired two bullets. Those rounds have not been located but the direction of fire of the first bullet was toward the school and up. Officer Johns yelled for help. Officer Timm fired one bullet that hit the pavement and skipped toward the parking lot. Officer Timm recognized that the situation was dangerous and needed to be controlled. Both were in fear of their own death or the death of other bystanders or students in the area. Officer Johns said he knew that if he let go of Landeros' hand in the struggle, they were going to be killed. Officer Timm fired one bullet directly at Charles Landeros, striking Landeros in the temple, which was the cause of death.

There were two civilian eye witnesses who confirmed that Landeros drew his weapon and fired first. Charles Landeros' child was also a witness to the struggle and the shootings. There were no other witnesses who reported seeing the shooting.

The Cascade Middle School vice principal immediately put the school on "lock down." He then entered the scene to move Landeros' child back into the school to

safety. It is clear the trainings the staff has received on active shooter response was absorbed and practiced on this day.

The firearm Charles Landeros used against Officers Timm and Johns was a Taurus 9mm. ATF records show it was purchased by Whitley Landeros, from Joseph Landeros' business Community Armaments and Supplies in December, 2018. Whitley Landeros is the wife of Joseph Landeros. Joseph Landeros is the brother of Charles Landeros. Two empty 9 mm casings were seized at the scene. The factory magazine that was in the Taurus is designed to hold 18 rounds of 9mm ammunition. This magazine was equipped with a "PLUS 2" bottom plate, which extended the capacity to 20 rounds. With one round in the chamber, the total capacity of the Taurus was 21 rounds. Upon inspection after the incident, the magazine contained 18 rounds of ammunition and there was one round loaded in the chamber, indicating two shots were fired from the Taurus. Mr. Landeros also had an additional magazine on his belt and a third magazine in his vehicle, all of which were loaded with ammunition. He was wearing a backpack which contained additional ammunition of a different caliber. It is not illegal for someone with a concealed handgun license to carry a concealed weapon into a school. Mr. Landeros had a CHL issued in February of 2018.

Officer Timm fired from a Glock 21 .45 caliber handgun; two empty .45 caliber casings were seized from the scene. An examination of the Glock was consistent with two rounds being fired.

The Follow-Up: The Inter-Agency Deadly Force Investigative Team (IDFIT) was activated. The team is made up of detectives from area agencies and follows strict protocols to investigate use of force incidents. Detectives from Oregon State Police, including from the Salem office, Lane County Sheriff's Office, Springfield Police, Cottage Grove Police, ATF and FBI participated in the investigation.

A forensic interviewer and advocates from Kids FIRST, the local Child Advocacy Center, responded to the school to ensure proper protocols were followed in interviewing child witnesses and that they were treated with compassion.

All casings were collected and submitted to the OSP lab for comparison to the weapons known to be fired.

The Medical Examiner took jurisdiction at the scene. An autopsy was performed on Charles Landeros on January 14th by Deputy State Medical Examiner Daniel Davis, a forensic pathologist. Dr. Davis determined that Landeros sustained one gunshot wound to the head, which was the cause of death. The body was released at 11:47 a.m. on January 14, 2019, from the morgue to Alpha Cremation, part of the Musgrove funeral services, at the request of the family. EPD was not involved in any decision regarding final arrangements.

Charles Landeros was an Army veteran who served from June 2006 to June 2012. He was honorably discharged.

On January 9, 2019, at 8:20 p.m., Springfield Police Department was sent a screen shot of a Facebook posting in response to a story posted by KEZI. KEZI had posted a news article titled "Man killed by Portland Police was legally blind, family says."

There were numerous comments posted. One comment was posted by “Charlie Landeros” and read, “Time to start killing pigs.” The manager of SPD’s Facebook page thanked the person for making them aware of the post. The person replied indicating the Facebook profile identified as “Charlie Landeros” regularly makes statements about “killing cops.”

On January 11, 2019, about an hour before the incident at Cascade Middle School, SPD received another message from a different person that “Charlie Landeros” had posted something on the Springfield Facebook page. The morning of January 11th, SPD’s manager of their Facebook page had posted a story about a Davis, California Police Department Officer who was shot and killed while investigating a traffic crash. The person stated that “Charlie Landeros” commented “Death to all pigs” in a comment to that Facebook posting. When the Facebook manager attempted to locate the comment, it had been removed. The SPD employee found an account for a “Charlie Landeros”, but it was private. Later that day, the Facebook account of “Charlie Landeros” had been deactivated or deleted.

In 2018, the FBI received information on a tip line that Charles Landeros was posting violent anti-government messages on social media. The information was referred to the local FBI office, who concluded there was insufficient information to substantiate that a crime had been committed.

In Conclusion: Eugene Police Officers Timm and Johns are trainers in active shooter scenarios. Their specialized training as school resource officers allowed them to recognize the potential risks in a custody dispute taking place in a school. They both were appropriate in their determination that Charles Landeros was creating a disturbance at Cascade Middle School and needed to be removed from the premises. When Charles Landeros refused to cooperate, they were justified in making an arrest. Upon making the arrest, their lives, and the lives of others, were placed in danger by Mr. Landeros physically resisting that arrest, brandishing a firearm and firing it twice. It is unknown why Charles Landeros chose to use deadly force in this circumstance, but he clearly had no regard for the lives of the police officers or the students or staff present, including his child. Officer Timm saved the life of Officer Johns, himself and perhaps many others given the number of rounds Charles Landeros had loaded in his weapon. There is no clearer circumstance that the use of deadly force is justified than this.

These events require vast resources of our community agencies. I appreciate the willingness to drop everything else and dedicate these resources needed to complete a thorough investigation in a timely manner.

To those who question why the video was not released immediately, it should now be apparent how many witnesses needed to be interviewed and that seeing the video before the interview could impact the witness’s perception of the events,

including the perception of how many shots were fired and whether the witness could distinguish a difference in the sound of gunshots.

Officer Information: Steve Timm, age 50, hired EPD 10/11/2004. Officer Aaron Johns, age 45, hired 6/30/2001.

I am available for questions by phone or in my office on the fourth floor of the Courthouse. Due to a water pipe bursting, the space where I normally would conduct a press conference is unavailable.